



PACIFIC COMMERCIAL SERVICES, LLC

P.O. Box 235117; Honolulu, HI 96823-3501

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TRANSMITTAL LETTER

SP- 11624 M
PHM5A-2009-0032

TO:	Associate Administrator for Hazardous Materials Safety	DATE:	Wednesday, January 14, 2009
ATTN:	Special Permits, PHH-31	FROM:	Winnie Yuen, Hazmat Specialist
	Pipeline and Hazardous Material Safety Administration	PHONE:	(808) 545-4599
	U.S. Department of Transportation, East Building	CELL:	(808) 780-5679
	1200 New Jersey Avenue, SE	E-MAIL:	Winnie.Yuen@pcshi.com
	Washington, DC 20590-0001		

Re: DOT-SP 11624

Subject: Modification to Special permit for Size of Inner Packagings

WE HEREBY SUBMIT THE ABOVE-REFERENCED FOR THE FOLLOWING:

1. 2 - Original Applications for Modification of Special Permit

- | | |
|---|--|
| <input type="checkbox"/> For your files | <input type="checkbox"/> For your signature |
| <input checked="" type="checkbox"/> For your review | <input type="checkbox"/> For your signature and return: |
| <input type="checkbox"/> For your approval and payment | <input type="checkbox"/> For your signature and forwarding to: |
| <input type="checkbox"/> For your review & forwarding to the following: | |
| <input type="checkbox"/> Other: | |

COMMENTS:

DOT/RSFA/OMHS
1/14/09
09 JAN 26 PM 4:18



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January 14, 2009

Associate Administrator for Hazardous Materials Safety
Attention: Special Permits, PHH-31
Pipeline and Hazardous Material Safety Administration
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

MU 2009 010839

VIA CERTIFIED MAIL
#7004 1350 0001 2100 6435

Re: DOT-SP 11624, Eleventh Revision
Subject: Modification to Special Permit for Size of Inner Packagings

Dear Associate Administrator,

Grantee Pacific Commercial Services, LLC is a party to the above-referenced special permit which expires on January 31, 2010, a copy is attached for your convenience. In accordance with 49 CFR §107.105, Grantee Pacific Commercial Services, LLC (PCS) hereby requests a modification to the above-referenced special permit for the reasons stated below.

This special permit provides relief from otherwise labor-intensive and costly practices by allowing waste paints and paint related materials not exceeding 5 gallon pails for which the integrity of that package has not been breached to be overpacked into cubic yard boxes, dump trailers and roll-off containers.

The paint industry normally packages most of its product in packages not exceeding 5-gallon metal or plastic pails. However, in recent years, the industry is moving to 6- and 7-gallon pails; it is this part of the special permit that we make this application for a modification.

We would like to amend this special permit to follow industry practice by changing the language to state "not over 7-gallon pails" in the following paragraphs with the parts emphasized that would be impacted:

2.a. "PURPOSE AND LIMITATION:

This special permit authorizes the transportation in commerce of certain waste paints and paint related materials, Class 3, in **5 gallon pails**, packed in cubic yard boxes, dump trailers, and roll-off containers (emphasis added)."

4. "REGULATIONS FROM WHICH EXEMPTED:

49 CFR §§173.173(b)(2) and 173.242 in that inner metal or plastic packagings of **not over 5 gallons**. . . (emphasis added)."

7.a. "SAFETY CONTROL MEASURES:

PACKAGING - Inner metal or plastic packagings of **not over 5 gallons** each, packed in cubic yard boxes, dump trailers, and roll-off containers (emphasis added)."

All other parts of this special permit will remain the same. We request during the period this application for modification is under review, Grantee PCS is allowed to continue use of the original special permit.



January 14, 2009
Associate Administrator for Hazardous Materials Safety
Re: Modification to DOT-SP 11624
Page 2 of 2

Should you require clarification or have any questions, please contact the undersigned via phone at (808)545-4599 or e-mail at Winnie.Yuen@pcshi.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Winifred Yuen', is written over the printed name.

Winifred Yuen
Hazardous Materials Specialist



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

Pipeline and
Hazardous Materials
Safety Administration

SPECIAL PERMIT AUTHORIZATION

DOT-SP 11624

EXPIRATION DATE: January 31, 2010

GRANTEE: Pacific Commercial Services, LLC
Honolulu, HI

In response to your February 17, 2006 application for renewal of DOT-SP 11624, the grantee status to DOT-SP 11624 for Pacific Commercial Services, LLC is hereby renewed in accordance with 49 CFR § 107.109.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

If you have questions regarding this action please call the Office of Hazardous Materials Special Permits and Approvals at (202) 366-4535.

Issued in Washington D.C. on February 24, 2006.

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

November 10, 2005



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

Pipeline and
Hazardous Materials
Safety Administration

DOT-SP 11624
(ELEVENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain waste paints and paint related materials, Class 3, in 5 gallon pails, packed in cubic yard boxes, dump trailers, and roll-off containers. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.173(b)(2) and 173.242 in that inner metal or plastic packagings of not over 5 gallons packed in cubic yard boxes, dump trailers and roll-off containers are not authorized, except as specified herein; § 172.301(a) in that each inner packaging is not marked with the proper shipping name and identification number; § 172.301(c) in that each inner packaging is not marked with the special permit number; and § 172.400(a) in that each inner packaging is not labeled.
5. BASIS: This special permit is based on the application of Safety-Kleen Systems dated August 31, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Paint (preceded by the word "Waste" if applicable)	3	UN1263	II and III
Paint related material (preceded by the word "Waste" if applicable)	3	UN1263	II and III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Inner metal or plastic packagings of not over 5 gallons each, packed in cubic yard boxes, dump trailers, and roll-off containers. The cubic yard boxes, dump trailers, and roll-off containers must be liquid tight through design or by the use of plastic lining materials.

b. OPERATIONAL CONTROLS -

(i) All packagings inside cubic yard boxes, dump trailers and roll-off containers must be blocked and braced to prevent movement during transportation that could cause the container to open or fall over.

(ii) No leaking containers may be transported under the terms of this special permit, unless overpacked in a UN specification package capable of containing the leakage or in accordance with § 173.12.

c. Only waste materials may be transported under the terms of this special permit.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

November 10, 2005

- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
- c. MARKING - The outside of each yard box, dump trailer and roll-off container must be plainly and durably marked with "DOT-SP 11624" at least 2 inches in height. Alternatively, each yard box, dump trailer and roll-off container may remain marked "DOT-E 11624" until October 31, 2006, provided the special permit remains valid.
- d. The marking requirements for each inner packaging in accordance with § 172.301(a) and § 172.301(c) are waived.
- e. LABELING - The labeling of each inner packaging in accordance with § 172.400(a) is waived.
- f. Shipping papers displaying "DOT-E 11624" may continue to be used until October 31, 2006, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

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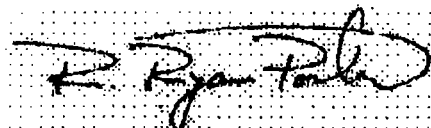
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

November 10, 2005

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO:KFW/sln